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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,082	04/27/2001	Benjamin T. Gomez	2100/19	9623

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EXAMINER	
JONES, SCOTT E	
ART UNIT	**PAPER NUMBER**
3713	

DATE MAILED: 06/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

N.K.

Office Action Summary	Application No.	Applicant(s)	
	09/844,082	GOMEZ ET AL.	
	Examiner	Art Unit	
	Scott E. Jones	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 April 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-46* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 April 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Amendment

1. This office action is in response to the reply filed on April 3, 2003 in which applicant responds to the claim rejections.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 5-14, 21-25, 31, 34, 35, and 41-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Seelig et al. (U.S. 5,560,603).

Seelig et al. discloses a combined slot machine(s) (base game) and racing game (bonus game) that encourages and entertains players to continue playing the game. Seelig et al. additionally discloses:

Regarding Claims 1, 8, 13, 14, 25, 34, and 35:

- providing an attraction mechanism for each gaming machine (Abstract, Figures 1,3, Column 1, line 67-Column 2, line 13, Column 2, lines 61-67, and Column 5, lines 1-9);
- electronically linking the gaming machines (Abstract, Figure 3, Column 1, lines 65-67);
- causing the attraction mechanisms to be operated as a group when any one of the linked gaming machines provides an electronic signal indicative of a bonus round

being activated (Abstract, Figure 3, Column 1, line 65-Column 2, line 13, Column 3, lines 40-67, and Column 4, line 20-Column 5, line 9).

Regarding Claims 6, 11, 23, and 42:

- the attraction mechanisms are caused to be operated in a staggered manner (Abstract, Figure 3, Column 1, line 65-Column 2, line 13, Column 3, lines 40-67, and Column 4, line 20-Column 5, line 9). The racecars can be moved one at a time.

Regarding Claims 7, and 12:

- the attraction mechanisms continue to be operated until none of the linked gaming machines is in a bonus round (Abstract, Figure 3, Column 1, line 65-Column 2, line 13, Column 3, lines 40-67, and Column 4, line 20-Column 5, line 9). Once a player(s) stop playing the game the racecars on the display (**120**) cease to move.

Regarding Claim 9:

- the predetermined event is the entry into a bonus round (Column 3, lines 19-32, and Column 3, line 66-Column 4, line 7). The Bonus Road Rally slot machine system disclosed, enables a player to start a bonus round upon starting play in the base game.

Regarding Claims 5, 10, 22, and 41:

- all of the attraction mechanisms are caused to be operated simultaneously (Abstract, Figure 3, Column 1, line 65-Column 2, line 13, Column 3, lines 40-67, and Column 4, line 20-Column 5, line 9).

Regarding Claims 21, 31, and 44:

- the attraction feature comprises a projected display, and further includes providing a visual output for the display (**120**) when the attraction feature is caused to operate (Figure 3).

Regarding Claims 24, and 43:

- coordinating the displays in operation with each display providing a different part of an overall presentation of said group (Abstract, Figure 3, and Column 4, line 20-Column 5, line 10).

Regarding Claim 25:

- a mechanized feature associated with each said gaming machine, said mechanized feature having parts which visibly move in a manner perceptible by a player (Column 2, lines 65-67);
- a controller operating said mechanized feature upon an activation signal (Abstract, Figure 3, Column 1, line 65-Column 2, line 13, Column 3, lines 40-67, and Column 4, line 20-Column 5, line 9);
- a signal generator which yields an activation signal upon a predetermined event in operation of a gaming machine, said activation signal being communicated to each said controller to operate said mechanized features as a group. (Abstract, Figure 3, Column 1, line 65-Column 2, line 13, Column 3, lines 40-67, and Column 4, line 20-Column 5, line 9).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 2-4, 15-20, 26-28, and 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seelig et al. (U.S. 5,560,603) in view of Hartmann et al. (WO 98/14251).

Seelig et al. discloses that as discussed above regarding claims 1, 5-7, 8-14, 21-25, 31, 34, 35, and 41-44. Seelig et al. seems to lack explicitly disclosing:

Regarding Claims 2, and 15:

- the attraction mechanism comprises a mechanical apparatus which has external moving parts, said parts being caused to move upon operation.

Regarding Claims 3, 16, and 39:

- the mechanical apparatus is a human figure having at least one moving limb.

Regarding Claims 4, 17, 26 and 40:

- the human figure is caused to dance upon operation.

Regarding Claim 28:

- a predetermined dancing mode having a start and finish is provided which is common to each gaming machine, and at least some of said figures are caused to be operated at a different start time.

Regarding Claim 36:

- the function is at least one of a visual and aural character.

Hartmann et al. teaches of a game system which is entertaining to both the slot machine player and to others in the vicinity of the slot machine to thereby maintain the interest of the players. The gaming system is comprised of one or more slot machines or other types of gaming

machines associated with a three-dimensional robot. The robot is an animate figure which takes the shape of a real or fictitious animal or of a human being. The robot is preprogrammed to make sounds or to speak and to move in response to the results of each play on the slot machine.

Hartmann et al. additionally teaches:

Regarding Claims 2, and 15:

- the attraction mechanism comprises a mechanical apparatus (**14**) which has external moving parts, said parts being caused to move upon operation (Abstract, Figure 1, Page 3, lines 4-16, Page 4, lines 10-20, Page 5, line 10-Page 6, line 29).

Regarding Claims 3, 16, and 39:

- the mechanical apparatus is a human figure (**14**) having at least one moving limb (Abstract, Figure 1, Page 3, lines 4-16, Page 4, lines 10-20, Page 5, line 10-Page 6, line 29).

Regarding Claims 4, 17, 26 and 40:

- the human figure is caused to dance upon operation (Abstract, Figure 1, Page 3, lines 4-16, Page 4, lines 10-20, Page 5, line 10-Page 6, line 29).

Regarding Claim 28:

- a predetermined dancing mode having a start and finish is provided which is common to each gaming machine, and at least some of said figures are caused to be operated at a different start time (Abstract, Figure 1, Page 3, lines 4-16, Page 4, lines 10-20, Page 5, line 10-Page 6, line 29).

Regarding Claim 36:

- the function is at least one of a visual and aural character (Abstract, Figure 1, Page 3, lines 4-16, Page 4, lines 10-20, Page 5, line 10-Page 6, line 29).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate the robot of Hartmann et al. in Seelig et al. Doing so would provide a system which would be entertaining to both the slot player and to others in the vicinity of the slot machine(s) to thereby maintain the interest of the players.

6. Claims 29, 32, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seelig et al. in view of Tanaka et al.

Seelig et al. discloses that as discussed above regarding claims 1, 5-7, 8-14, 21-25, 31, 34, 35, and 41-44. Seelig et al. seems to lack explicitly disclosing the projected display being generated by a laser projection system (Claims 29, 32, and 45).

Tanaka et al. (U.S. 5,130,838) teaches of a laser projection type display unit.

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate the laser projection type display unit of Tanaka et al. in the progressive display of Seelig et al. Doing so provides a source of generating and displaying an attraction animation using technology readily available at the time of Applicant's invention.

Additionally, applicant admits on page 8, lines 13-14, "...details of such a projection system may be gleaned from U.S. 5,130,838."

7. Claims 30, 33, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seelig et al. in view of Tanaka et al. and in further view of Best et al.

Seelig et al. in view of Tanaka et al. discloses that as discussed above regarding Claims 29, 32, and 45. Seelig et al. in view of Tanaka et al. seems to lack explicitly showing the laser

projection system including a domed projection surface on the gaming machine, the laser projection system projecting the visual output upon an interior side of the surface with the output being visible from the outside of the surface (Claims 30, 33, and 46).

Best et al. (U.S. 6,176,584) shows a curved surface, real image, laser-based rear projection display system in Figures 1-7.

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate the curved surface, real image, laser-based rear projection display system technology of Best et al. in the display system of Seelig et al. in view of Tanaka et al. Doing so provides a source of generating and displaying an attraction animation using technology readily available at the time of Applicant's invention.

Response to Arguments

8. Applicant's arguments filed April 3, 2003 have been fully considered but they are not persuasive.

9. Applicant respectfully traverses the rejection to claims 1, 5-14, 21-25, 31, 34, 35, and 41-44 under 35 U.S.C. 102(b) as being anticipated by Seelig et al. (Seelig) (U.S. 5,560,603). Applicant alleges Seelig does not disclose or suggest the activation of an attraction mechanism. The examiner respectfully disagrees. First, each gaming machine (10) has its own attraction mechanism which shows a horse (22) racing on a display (20). This system is entertaining to the slot players themselves and to others who may be watching. Therefore, Seelig does disclose an attraction mechanism (Fig. 1 and column 1, lines 60-67). Second, Seelig also discloses another attraction mechanism shown in Fig. 3, four slot machines (110A-110D) are electronically linked such that a horse associated with each respective slot machine is shown on the main racing

display (120). Again, the main racing display is capable of being easily viewed by players of the slot machine and by spectators who may gather around (Fig. 3 and column 4, lines 20-31). Therefore, Seelig does disclose an attraction mechanism.

10. Regarding Applicant's remark that "Seelig has racing element racing against the clock, independently of other racing elements, not as a group," although each racing element (122A-122D) does not race each other, they operate as a group because each respective racing element is associated with a particular slot machine that is being played and each racing element moves in response to outcomes in the primary slot game on the main racing display. Furthermore, when a particular slot machine is not being used, its respective racing element is either not displayed or does not race. Therefore, the examiner contends racing elements (122A-122D) operate as a group.

11. Applicant respectfully traverses the rejection to claims 2-4, 15-20, 26-28, and 36-40 under 35 U.S.C. 103(a) as being unpatentable over Seelig et al. (U.S. 5,560,603) in view of Hartmann et al. (Hartmann) (WO 98/14251). Applicant alleges Hartmann's robot is activated for one machine, and has no effect on the other player's slot machines or robots. Applicant alleges, "Hartmann does talk about having a 'combination of robots associated with a group of machines,' but only in the context of directing that assemblage toward just one player." The examiner respectfully disagrees. Hartmann states, "a single robot or combination of robots associated with a group of machines is capable of directing its actions and sounds toward any one of the slot machine players" (page 6, lines 17-25). Therefore, when a combination of robots associated with a group of machines directs its actions and sounds toward any one of the slot players, then it does have an effect on other player's slot machines, robots, and the players

themselves who watch the robot(s) on their own machine direct actions and sounds to another player.

12. Applicant alleges neither Seelig nor Hartmann, nor a combination thereof do not teach or suggest a plurality of linked attraction mechanisms...due to an achievement of any one of the players." The examiner respectfully disagrees. In particular, on page 6, lines 9-17, the robot(s) may be programmed to frown or cry when the player loses. Alternatively, the robot could be programmed to jump up and down as singing or screaming "you have won" or "you are a winner" when the player wins. Therefore, the examiner asserts the combination of Seelig and Hartmann to one having ordinary skill in the art taken as a whole, teaches an attraction mechanism triggered by an achievement of any one of the players.

13. Regarding claims 2-4, 15-20, 26-28, and 36-40, applicant alleges these claims are allowable because they depend upon independent claims 1, 14, 25, and 34, respectively. However, applicant's arguments amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

14. Applicant alleges the examiner has not specifically addressed claims 18, 19, 20, 27, 37, and 38. The examiner disagrees. Claims 18, 19, 20, 27 are disclosed in Seelig as discussed regarding claims 10, 11, and 12. Claims 37 and 38 are also disclosed by Seelig. Applicant alleges claims 18-20, 27, 37, and 38 are allowable because each depends on independent claims 14, 25, and 34. However, applicant's arguments amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

15. Applicant respectfully traverses the rejection to claims 29, 32, and 45 under 35 U.S.C. 103(a) as being unpatentable over Seelig et al. in view of Tanaka et al. (Tanaka) (U.S. 5,130,838). Applicant alleges Tanaka, "in no way renders the underlying concept of linked attraction mechanisms that are choreographed to operate together." However, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Therefore, the examiner asserts the combination of Seelig and Tanaka to one having ordinary skill in the art taken as a whole, teaches the features as claimed and broadly interpreted.

16. Furthermore, applicant alleges there is no disclosure or suggestion whatsoever to combine a gaming machine having an attraction mechanism with a projected display. However, the examiner respectfully disagrees. Please see previous Office Action, Paper No. 6.

17. Applicant alleges claims 29, 32, and 45 are allowable because they depend from independent claims 21, 31, and 44 respectively. However, applicant's arguments amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

18. Applicant respectfully traverses the rejection to claims 30, 33, and 46 under 35 U.S.C. 103(a) as being unpatentable over Seelig et al. in view of Tanaka et al. and in further view of Best et al. (U.S. 6,176,584). Applicant alleges this type of arrangement in no way suggests the core component of the linked attraction mechanisms operating as a group. However, in response to applicant's arguments against the references individually, one cannot show nonobviousness by

attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Therefore, the examiner asserts the combination of Seelig et al. in view of Tanaka et al. and in further view of Best et al., to one having ordinary skill in the art taken as a whole, teaches the features as claimed and broadly interpreted.

19. Applicant alleges claims 30, 33, and 46 are allowable because they depend from independent claims 29, 32, and 45 respectively. However, applicant's arguments amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael O'Neill, Acting SPE can be reached on (703) 308-1148. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

SEJ

sej
June 23, 2003

MICHAEL O'NEILL
PRIMARY EXAMINER